

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MENNIE R. HUDSON,

Plaintiff,

v.

ORDER  
04-CV-278A

JOHN E. POTTER, Postmaster General,

Defendant.

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The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On June 25, 2007, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendant's motion for partial summary judgment or dismissal of the amended complaint be granted in part and denied in part without prejudice

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendant's motion for partial summary judgment or dismissal of the amended complaint is granted in part and denied in part without prejudice.

The case is referred back to Magistrate Judge Foschio for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: July 18, 2007